

## POSITION DESCRIPTION

Consumer Protection Investigator Advanced – Investigation Unit – Milwaukee Office

Division of Trade and Consumer Protection – Bureau of Consumer Protection

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### **POSITION SUMMARY**

Under general supervision, this position performs advanced investigative work on the Bureau's most complex consumer protection cases. Work at this level is distinguished from lower level investigators by the employee's ability to consistently develop the most complex investigations; utilizing a full range of investigation and compliance skills. The employee normally develops these investigations through specific assignments of complex cases involving civil/criminal activity, which frequently have statewide, nationwide, industry-wide impact.

The employee plans, conducts, and coordinates investigations of trade practices, which relate to the enforcement of a broad spectrum of laws, rules, and regulations in the consumer protection program. The consumer protection program enforces a wide variety of state laws and administrative rules. Employee may assist or be assigned to lead development or revision of administrative rules and legislation as it relates to program responsibilities.

Investigations typically conducted by this employee are complex, comprehensive, and of a statewide or nationwide nature. Investigations generally are of a long duration and involve multiple violations of multiple codes and laws. Assignments involve industry-wide investigations which require the employee to coordinate investigations with other state enforcement agencies, district attorneys, officials from other states, and numerous federal agencies. Incumbent at this level may be assigned any investigation and be expected to perform the investigation in its entirety under very limited supervision including acting as lead investigator for other staff. This position also provides mediation services regarding consumer complaints. Evaluation and review is conducted by the Chief of the Mediation and Enforcement Section.

### **GOALS AND WORKER ACTIVITY**

- 55%    GOAL A    **Develop investigations appropriate for enforcement action. Independently plan, initiate and conduct comprehensive investigations with statewide impact of the most complex, fraudulent, deceptive and unfair business practices, regulated by a broad range of state statutes and administrative codes.****
- A.1    Independently plan, organize, and formulate an investigative strategy incorporating all applicable legal theories, sources of information, and appropriate investigative methods.
  - A.2    Interview complainants/victims, prospective or named respondents/defendants, and third party sources of information.
  - A.3    Prepare accurate and detailed notes on interviews.
  - A.4    Collect, examine, identify and preserve physical evidence and documentation, including use of photography.

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- A.5 Prepare accurate, concise and factual expository memoranda and reports.
- A.6 Examine witnesses under oath, take sworn testimony and prepare concise, factual and accurate sworn affidavits and statements.
- A.7 Prepare and use questionnaires, investigative demands, subpoenas and correspondence to obtain desired evidence.
- A.8 Use covert/undercover methods to obtain information.
- A.9 Coordinate investigation activities with other local, state and federal enforcement agencies.
- A.10 Analyze respondent's conduct, applicable statutes, administrative codes and special orders, and identify potential violations.
- A.11 Serve as lead investigator on major, large scale cases. Coordinate the activities of co-investigators. Compile, analyze, and evaluate all information gathered. Be responsible for the final work product.
- A.12 In major, large-scale cases, coordinate as lead investigator, subordinate role investigators and support staff and be responsible for the final work product.
- A.13 Develop and maintain information/data gathering surveillance and monitoring systems on a given industry assigned areas of expertise or respondent's business practices. Serve as staff resource person on assigned areas of expertise.
- A.14 Serve as staff liaison to other state and federal agencies on a particular area of expertise.

**15%    GOAL B    Participate in in-depth compliance activities; including the preparation and presentation of facts, evidence and witnesses at pretrial conferences, trials (criminal and civil), pre-hearing conferences, administrative adjudication hearings, formal settlement negotiation conferences with proposed or named respondents/ defendants or legislative/rule-making hearings.**

- B.1 Provide oral and/or written recommendations to the investigative supervisor, program management, and/or staff or prosecuting attorney assigned to the case, regarding the law, regulations and legal theory/concepts to be used in case development.

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- B.2 Prepare comprehensive written case summaries, statistical reports and charts analyzing and compiling all facts, evidence, and witnesses in completed investigations for staff or prosecuting attorney.
- B.3 Prepare evidence exhibits and organize case investigation files for staff or prosecuting attorney.
- B.4 Provide written Investigator's Recommendations for formal enforcement action citing rule and/or statute violated with penalties.
- B.5 Formulate recommendations and prepare proposed written questions for interrogatories to be served on defendants, and prepare answers to written interrogatories served on our office by defendants.
- B.6 Serve legal documents on defendants and witnesses.
- B.7 Evaluate prospective witnesses; prepare, coordinate and assist witnesses for depositions and court testimony.
- B.8 Cause computer technology to create detailed summaries and analyses of case file materials for presentation at trials and other formal proceedings.
- B.9 Testify in court, at hearings, in depositions or at legislative/rule-making hearings.
- B.10 Participate and make recommendations in settlement negotiation conferences with defendants.
- B.11 Assist prosecuting attorney during all facets of trials/hearings.
- B.12 Perform and be responsible for follow-up with witnesses and complainants in litigated cases.
- B.13 Do historical and technical research on industries that are the focus of legislative and/or rule-making activity. Prepare written reports for use in the legislative and rule-making process.
- B.14 Identify, develop and prepare witness testimony in support of legislative and rule-making activity.
- B.15 Prepare first draft of specialized enforcement documents to include: Voluntary Assurances of Compliance, Stipulations, Orders, Special Orders and subpoenas.

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### **30%      GOAL C      Provision of mediation services regarding consumer complaints.**

- C1.      Issue forms and instructions to assist the public in making formal complaints.

Receive and review consumer complaints regarding the business practices and/or actions of individuals, business, and/or their representatives and alleged violations of laws and regulations.

- C2.      Maintain a thorough and current understanding and knowledge of office policy, procedure, and priorities regarding consumer assistance/mediation services and consumer fraud issues.

- C3.      Determine the appropriate action to be taken on each assigned consumer complaint e.g., mediation, closeout, referral, send informational materials.

- C4.      Contact complainants and businesses through written correspondence, telephone contacts, personal interviews or conferences to mediate complaints and open communications between the parties and obtain compliance with consumer laws.

- C5.      Proceed with development of the complaint handling/mediation process in an attempt to resolve complaints to the satisfaction of the involved parties.

- C6.      Complete Consumer Protection database information to accurately describe individual consumer complaints, the action taken on complaints and their disposition.

- C7.      Respond to citizen and special interest group inquiries through telephone or written contact.

- C8.      Perform other duties as assigned.

### **KNOWLEDGE AND SKILLS REQUIRED BY POSITION:**

- A. Extensive knowledge of Wisconsin statutes and rules assigned to the agency.
- B. Considerable knowledge of investigative planning and ability to analyze case information and evidence and prepare investigative summaries.
- C. Ability to develop work plans for completing efficient investigations.

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- D. Considerable knowledge in conducting interviews/interrogations of complainants and respondents.
- E. Thorough knowledge of office procedures and the reasons for uniform procedures.
- F. Considerable oral and written communication skills.
- G. A well-developed ability to listen and instill confidence, and use skills to obtain information, mediate disputes, and negotiate to obtain information.
- H. Comprehensive professional skills with desktop computers, MS Windows operating systems, MS Office Professional suite, and other specialized applications, including accessing resources available on the internet.
- I. Strong Internet investigation experience: familiarity and proficiency with Domain Name System (DNS), IP addressing, and ISP operations.
- J. Considerable knowledge conducting financial investigations with a high level of accuracy in evaluation financial records and documents.
- K. Ability to think quickly in a fast-paced fluid environment.
- L. Ability to apply critical thinking in high pressure situations.
- M. Ability to use sound judgment and decision making within the investigative process.
- N. Ability to use the internet and unit databases to gather information and evidence relating to investigations

## **DISCRETION AND ACCOUNTABILITY**

- A. Objectives and priorities are set by an annual plan which is prepared by the supervisor with the employee. The plan for the employee incorporates division policies and regulatory responsibilities. Objectives and priorities relative to U.S. Consumer Product Safety Commission investigations or assignments are set by the Commission.
- B. The incumbent has the capacity to intensify or reduce the depth of investigation based on a judgment of the facts and circumstances disclosed during an investigation.
- C. Guidelines and instruction offer a general method of addressing most issues. When followed, results should ordinarily reach a logical and defensible conclusion. Incumbent

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of this position would have considerable latitude to change these procedures when appropriate to achieve desirable legal results.

- D. The work review occasionally involves prior discussion with the supervisor, and in complicated cases, a regular updating session, but more typically occurs at the completed assignment stage.

## **PERSONAL CONTACTS AND THEIR PURPOSE**

Public contacts with consumers, businesses, District Attorneys, Chambers of Commerce, etc., involve planned and unplanned telephone conversations to give information, interpret laws, explain action, and serve the public need. Correspondence is conducted daily and on a timely basis to show concern and efficiency. Face-to-face meetings are frequent to obtain crucial information and insight. These activities occur on a daily basis. Purposes of such public contacts are to obtain evidence, educate the public and resolve conflict. While at times, contacts are also made to explain, defend, and justify agency views, policies and decisions.

## **TRAVEL**

Approximately 75% of this position's work occurs in an office setting, but the incumbent will spend work time outside of the office. In order to perform some investigative duties, the incumbent must be able to travel independently throughout the state either by State fleet vehicle or personal vehicle. Possession of a valid Wisconsin driver license, including personal automobile insurance or the ability to provide one's own transportation. Note: mileage compensation is paid to employees approved for use of personal motor vehicle for official work duties.

Updated on 2/5/2020 by TC  
Updated on 9/26/2016 by KAS  
Updated on 09/06/12 by MA